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BARDMESSER LAW GROUP

NOV 27 2005

Fax

☐ Urgent☐ Return reply requested☐ Original will be sent as confirmation

To: USPTO

Date: November 27, 2005

Attention: Art Unit 2188

Re: System and Method for Using File System  
Snapshots for Online Data Backup

From: George S. Bardmesser

Pages (including cover sheet): 13

Your Reference: Application No.: 10/624,858

Fax No: 571 273 8300

Our Reference: 2230.0340000

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## Message

Transmitted herewith for appropriate action by facsimile are the following documents:

1. Fee Transmittal Form;
2. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover Information Disclosure Statement fee;
3. Information Disclosure Statement; and
4. Form 1449 citing 16 documents.

### Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted  
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GEORGE S. BARDMESSER, REG. NO. 44,020

Date: November 27, 2005



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BARDMESSER LAW GROUP : 910 17th Street, N.W., Suite 800, Washington, DC 20006 : 202.293.1191 f 202.318.0723 : [www.bardmesserlaw.com](http://www.bardmesserlaw.com)

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PAGE 02/13

**BARDMESSER LAW GROUP, P.C.**  
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**NOV 27 2005**

November 27, 2005

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

*Art Unit 2188*

*Attn: Mail Stop Amendment*

Re: U.S. Utility Patent Application  
Application No.: 10/624,858; Filed: July 22, 2003  
For: **System and Method for Using File System Snapshots for Online Data Backup**  
Inventors: Beloussov *et al.*  
Our Ref: 2230.0340000

Sir:

Transmitted herewith for appropriate action by facsimile are the following documents:

1. Fee Transmittal Form;
2. Credit Card Payment Form (PTO-2038) in the amount of \$180.00 to cover:  
Information Disclosure Statement fee; and
3. Information Disclosure Statement; and
4. Form 1449.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-3523.

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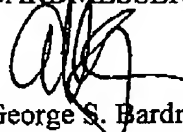
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PAGE 03/13

Commissioner for Patents  
November 27, 2005  
Page 2

Respectfully submitted,

BARDMESSER LAW GROUP



George S. Bardmesser  
Attorney for Applicants  
Registration No. 44,020

Enclosures

NOV 27 2005

Equivalent to Form  
PTO/SB/17 (12-04)

Approved for use through 07/31/2006.

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$) **180.00****Complete if Known**

Application Number	10/624,858
Filing Date	July 22, 2003
First Named Inventor	Serguei Belousov
Examiner Name	Duc T. Doan
Art Unit	2188
Attorney Docket No.	2230.0340000

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account Deposit Account Number: 50-3523 Deposit Account Name: BARDMESSER LAW GROUP, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2030.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims**        **Extra Claims**        **Fee (\$)**        **Fee Paid (\$)**       

       - 20 or HP =        x        =       

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims**        **Extra Claims**        **Fee (\$)**        **Fee Paid (\$)**       

       - 3 or HP =        x        =       

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

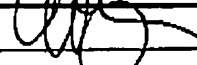
**Total Sheets**        **Extra Sheets**        **Number of each additional 50 or fraction thereof**        **Fee (\$)**        **Fee Paid (\$)**       

       - 100 =        / 50 =        (round up to a whole number) x        =       

**4. OTHER FEE(\$)**

Non-English Specification, \$130 fee (no small entity discount)

Other: IDS fee**180.00****SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	44,020	Telephone	(202) 293 1191
Name (Print/Type)	George S. Bardmesser	Date	11/27/05		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

NOV 27 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No.: 6544

Beloussov *et al.*

Art Unit: 2188

Appl. No.: 10/624,858

Examiner: Duc T. Doan

Filed: July 22, 2003

Atty. Docket: 2230.0340000

For: **System and Method for Using File  
System Snapshots for Online Data  
Backup****Information Disclosure Statement***Mail Stop Amendment*Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

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Belousov *et al.*  
Appl. No. 10/624,858

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☐ 2. Filing under 37 C.F.R. § 1.97(h). This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

Atty. Dkt. No. 2230.0340000

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Belousov *et al.*  
Appl. No. 10/624,858

- ☒ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☒ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or

Atty. Dkt. No. 2230.0340000

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Belousov *et al.*  
Appl. No. 10/624,858

Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ \_\_\_\_\_ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:

- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 5. The document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

Atty. Dkt. No. 2230.0340000



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Appl. No. 10/624,858

- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3).
- ☒ 7. In accordance with 37 C.F.R. § 1.98(a)(2), no copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☐ 9. It is expected that the examiner will review the prosecution and cited art in the related application no. 10/925,928 in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

Atty. Dkt. No. 2230.0340000

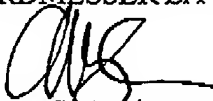
- 6 -

Belousov *et al.*  
Appl. No. 10/624,858

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 503523.

Respectfully submitted,

BARDMESSER LAW GROUP



George S. Bardmesser  
Attorney for Applicants  
Registration No. 44,020

Date: November 27, 2005

910 17<sup>th</sup> Street, N.W.  
Suite 800  
Washington, D.C. 20006  
(202) 293-1191

Atty. Dkt. No. 2230.0340000

FORM PTO-1449 <b>INFORMATION DISCLOSURE STATEMENT</b>				ATTY. DOCKET NO. 2230.0340000		APPLICATION NO. 10/624,858	
				FIRST NAMED INVENTOR Serguei Belousov			
				FILING DATE July 22, 2003		ART UNIT 2188	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,905,990	May 18, 1999				
	AB1	6,289,356	Sep. 11, 2001				
	AC1	5,819,292	May 31, 1995				
	AD1	6,038,639	March 14, 2000				
	AE1	5,410,667	4/25/95				
	AF1	5,832,515	Nov. 3, 1998				
	AG1	6,205,450	March 20, 2001				
	AH1	6,341,341	Jan. 22, 2002				
	AI1	6,101,585	August 8, 2000				
	AJ1	6,021,408	Feb. 1, 2000				
	AK1	5,996,054	11/30/99				

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes
	AM1						No
	AN1						Yes
	AO1						No
	AP1						Yes
							No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	1	
	AS	1	
	AT	1	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	

FORM PTO-1449 <b>INFORMATION DISCLOSURE STATEMENT</b>		Page 2 of 2	
		ATTY. DOCKET NO.	APPLICATION NO. 10/624,858
		FIRST NAMED INVENTOR Serguei Belousov	
		FILING DATE July 22, 2003	ART UNIT 2188

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	6,061,770	May 9, 2000				
	AB2	2004/0010668	01-2004				
	AC2	5,720,026	02-1998				
	AD2	6,799,258	09-2004				
	AE2	6,173,377	01-2001				
	AF2						
	AG2						
	AH2						
	AI2						
	AJ2						
	AK2						

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2						Yes No
	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	
	AS	2	
	AT	2	

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	